

## **Lee Conservation Commission Minutes of Meeting of August 5, 2019**

**Present members:** Catherine Fisher, Dawn Genes, Bill Humm (Chair), Dave Shay, Anne Tappan

**Alternate Member:** Deb Sugerman

**Ex Officio:** Scott Bugbee

**Approval of Minutes:** Minutes of meeting of July 8, 2019 approved as written.

### **Updates and Announcements:**

**Easement Monitoring:** In July, C. Fisher, Antionette Hartgerink, and B. Humm monitored the Talley Easement. B. Humm monitored the Rick Stevens, Randy Stevens, and Turtle Pond Easements. With the exception of the Rick Stevens Easement (discussed below), nothing of concern was noted on any of the properties.

August monitoring visits are planned for Kelsey (8/7), Schulz-Friedlander (24), and Fogg (8/28).

### **Reports:**

**BOS:** S. Bugbee reported the appeal by Bedrock Gardens had been denied. They had asked to be open on an interim basis, but as the Planning Board's list of things that needed to be done, particularly completion of the parking lot, had not yet been taken care of, their request that the Board reconsider was denied.

### **Conservation Lands Management:**

**Joe Ford Wildlife Sanctuary, Management Plan Update:** A. Tappan reported she has sent Ted Kendziora the draft of the management plan text. A special meeting will be held so that she can present the conceptual plan draft and members of the Commission can discuss it. Prior to the meeting, copies of the draft will be made available to Commission members for suggestions and/or edits. Site visits may take place before and/or after the meeting. Once the Commission has approved the draft it will be sent to SELT for their approval. Once there is approval from both the Commission and SELT, T. Kendziora will write a contract between the Town and the USFWS for the habitat management work. The contract will then be submitted to the BOS for their approval.

A site visit was planned for Friday, August 9, at 8:30 a.m. D. Genes, D. Sugerman, and A. Tappan planned to attend.

A special meeting to work on the management plan was scheduled for Thursday, August 8, at 7:00 p.m.

**Ford Spring Covers Update:** B. Humm reported that he had visited the property with Steve Bullek. The Public Works crew will provide plans for each of the two springs. The work is expected to be done in late August/early September, during which time the springhouse will be taken down. A. Tappan noted that, just as with the management sections of the property's easement document and the deed, there is conflicting language limiting the right to deal with the springhouse. She suggested that more conversation about this is needed, or perhaps a subcommittee formed so that there is a mechanism for dealing with waterworks in the future. She noted that the owners of the house have a perpetual right to access waterworks, and there is no mechanism for owners to notify the Commission if they need to do any work on springs or on the flow of water to the house.

### **Old Business:**

**Bog Platform Update:** B. Humm reported that Randy Stevens has made a tentative design for a 9' x 9' platform with a 15' gangway. Sections of the platform could be built and then moved to the site on a two-wheel trailer. The estimated cost is \$3600. It will be necessary to go before the BOS both to receive permission to replace the dock and to receive authorization for expenditures (parts and labor)

associated with replacing the platform. D. Shay raised the question about whether a wetland permit will be required from DES, and volunteered to look into it.

**New Business:**

**Donation from LRAC:** A donation in the amount of \$500.00 was given the Conservation Commission in appreciation for LRAC's free use of the Public Safety Complex for several years.

**Lee Town Fair:** The Lee Town Fair will be held at Little River Park on Saturday, September 7 and will begin at 10:00. C. Fisher will contact Dick Babcock about borrowing his tent and tables. Set-up will take place at 9:00. "Pollinators" will again be the theme, and C. Fisher will bring books, pamphlets, bookmarks, stickers and posters. There will also be a display of both native and exotic flowers attractive to pollinators. C. Fisher will lead a nature walk at 11:00. Commission members have signed on for set-up, booth staffing and take-down.

**Proposed Letter to Landowners Regarding their Conservation Easements:** Prior to discussing the draft of the letter, B. Humm noted that its impetus lies in the fact that homeowners often aren't home when Commission members monitor their easements and thus, when considering making changes on their easement, may not think of notifying the Commission. When the Commission is consulted as to possible changes, members can work with the landowners to make sure any proposed changes are in compliance. S. Bugbee asked if, when there is a change of ownership on a property, the new owners are informed of the terms of the property's easement. B. Humm explained that as part of the point of sale process, the buyer's attorney identifies the terms of the easement; the Commission then typically touches base with the new owner and arranges to meet to talk about the property, thus establishing a rapport and making sure that the terms of the easement are understood. D. Genes asked how the Commission is informed when a property changes hands. B. Humm explained that the seller must notify the grantee within ten days.

Commission members made minor changes to the draft written by B. Humm. The Town has a new email address at its website which could possibly be added to the letter.

**Rick Stevens Easement:** While monitoring the property on July 17, B. Humm found that a large treehouse had been built within the easement, apparently encroaching on setbacks from both the Little River and the Lamprey. When he spoke to R. Stevens, he was told the treehouse is not in violation because it is not considered a "structure" as it isn't built on or in the ground. A follow-up visit, attended by C. Fisher, B. Humm, and A. Tappan, was conducted and measurements taken: the structure's platform is 9' x 18' and 6 1/2' above the ground; it is approximately 17' from the top of the bank of the Little River and 65' from the Lamprey River. After a discussion, the Commission agreed that the treehouse was in violation of the Easement, specifically, Section C under Use Limitations. It is also in violation of the Town's wetland setbacks. It was agreed that B. Humm should, prior to reporting to the Select Board, write a letter to set SELT, providing a history of the situation and inviting a representative to attend a site visit, and then give their evaluation of the situation and suggestions for a possible course of action. R. Stevens will also be invited to take part in the site visit.

**Next Meeting:** Tuesday, September 3, 2019

Submitted by \_\_\_\_\_  
Catherine Fisher